

BILL ANALYSIS

C.S.H.B. 2589
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Urban Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The City of Dallas is one of the last major metropolitan areas in the State of Texas to be granted the ability to meet and confer with their police officers and fire fighters. The meet and confer process has encouraged a new and positive working relationship between the administration of a department and its employees in these other cities.

C.S.H.B. 2589 will grant the City of Dallas the ability to meet and confer with the fire fighters and police officers employed by the city fire and police departments.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

The bill creates a "meet and confer" team comprised of one representative from each fire fighter and police association. An association qualifies to have a representative by having an automatic payroll deduction for their dues as of September 1, 2005 and exists primarily for the purpose of dealing with the municipality concerning employment issues. The public employer (Fire Department and Police Department) may each designate one or more persons to meet and confer on the public employer's behalf.

The team will represent all fire fighters and police officers and shall negotiate with the public employer in an effort to reach an agreement on concerns shared by both groups regarding terms of employment, employment discrimination, hiring, inequality of employment, and promotions. Issues of affirmative action, hiring, promotions, and discrimination shall be negotiated by individual fire fighter and police officer associations, independent of this team.

The municipality may not be denied local control over the wages, salaries, rates of pay, hours of work, and other terms of employment, or other state-mandated personnel issues. If an agreement is not reached, the state laws, local ordinances, and civil service rules remain unaffected. All agreements shall be written. And nothing in this chapter requires either party to meet and confer on any issue or reach any agreement.

A public employer may not meet and confer if the meet and confer team advocates the illegal right to strike by public employees and establishes that fire fighters and police officers of a municipality may not participate in strikes against this state or a political subdivision of this state. A fire fighter or police officer who is engaged in a strike forfeits all civil service rights, reemployment rights, and other rights, benefits, or privileges the firefighter or police officer enjoys as a result of employment or prior employment.

Any agreement is public record under the purposes of Chapter 552, Government Code. and is enforceable and binding on all parties engaged in meet and confer, and the fire fighters and police officers covered by the agreement if the municipality's governing body ratifies the agreement by a majority vote and by election of all fire fighters and police officers ratifying the agreement by at least 65 percent.

EFFECTIVE DATE

This bill takes effect September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute modifies the definitions of "fire fighter", "fire fighter employee group", "police officer", "police officer employee group", and "public employer" as they apply to this bill.

The substitute adds that issues of affirmative action, hiring, promotions, and discrimination shall be negotiated by individual fire fighter and police officer associations, independent of the meet and confer process established in this bill.

The substitute makes changes to the definition of "strike" and adds that nothing established in this bill prevents a fire fighter or police officer of a municipality from conferring with the city council about employment issues.